



Boyd County 'Watchdogs' Embrace US Ecology

by Lynn Moorer

US Ecology scrambled Friday and named Boyd County as the "preferred site" for the dump.

But many observers do not for a minute believe that all of the for-profit waste developer's eggs are in one basket.

Despite 42 acres of wetlands on the 320-acre site west of Butte, Vice President and General Project Director Rich Paton said the Boyd County site "is particularly attractive because of unique geologic conditions that will maximize long-term protection and provide for an effective and highly-predictable monitoring system."

Boyd County's placement in the northernmost tier of Nebraska counties nudging South Dakota creates a trek for trucking in the nuclear and hazardous waste from compact states Louisiana, Arkansas, Oklahoma, and Kansas that "makes no sense," said Hugh Kaufman, EPA hazardous waste regulator and Nuckolls County monitoring committee member.

"Either Nemaha or Nuckolls Counties (along Nebraska's eastern and southern borders respectively) would present many fewer headaches for safe transportation," Kaufman said. "But Boyd County will not ultimately be the final site when the license application is submitted," he predicted. "This is just a ruse to deflect public attention away from the other two more prime counties."

Lowell Fisher of Spencer, leader of Save Boyd County Association, said US Ecology will not provide data to prove that Boyd County is the most suitable location based upon hydrologic and geologic studies. "They do consider Boyd County the most suitable location based upon geography, however," Fisher said. "We're out of sight, out of mind for Lincoln and Omaha news media coverage and that's very important to Governor Orr right now. Her re-election campaign can't be helped much by very visible, noisy Nebraska citizens saying the Governor's word is no good."

Nemaha County monitoring committee chairman Mike Speece of Auburn confirms that US Ecology refuses to provide his committee the results of geologic and hydrologic studies done at the Boyd and Nuckolls sites. Diane Burton of Auburn said, "As long as US Ecology refuses to turn over every bit of data on the sites to the public, there is no evidence that Boyd County is the most suitable."

Kaufman and Burton agree that until

US Ecology 1) releases its land options, 2) permanently caps all the monitoring wells, 3) disassembles all air monitoring equipment, and 4) ceases all studies in Nemaha and Nuckolls Counties, both counties are still in the running.

...a number of staunch supporters and the people who have been very helpful to US Ecology are suddenly driving brand new vehicles...

They also agree that the monitoring committees must continue to function in carrying out their mandate as stated in state rules and regulations in Title 194 "to provide significant input concerning local needs and resources regarding all relevant aspects of the site selection."

Burton thinks "the input from the Nemaha and Nuckolls monitoring committees had been more significant recently than US Ecology and state officials found comfortable so they cut their losses and quickly named Boyd."

She said, "I think the one-two from (Sen.) Spencer (Morrissey, who represents Nemaha County) and our monitoring committee (who criticized US Ecology recently for unresponsiveness) and the (Dec. 28) World-Herald poll showing 2-to-1 opposition to the dump in Nebraska added up to some very devastating press for the dump promoters."

Kaufman's presence on the Nuckolls County monitoring committee (under challenge by the DEC) has caused State and US Ecology officials to drag their feet in coming to committee meetings in Nuckolls County. The EPA whistleblower routinely experienced in investigations of environmental cases attempts to place committee guests under oath before he cross-examines, grills, or needles them, depending on their alacrity in responding to questions. Recognizing entertaining theater, state and national press coverage of Kaufman's interrogations has been intense.

By contrast, the Boyd County monitoring committee has gained little media attention. Fisher says the committee chairman, J. C. Marcum, DVM, of Spencer, has a lot to do with keeping things "quiet and out of sight." Appointed by Governor Orr to the monitoring committee, Marcum heads the

Republican Party in Boyd County and the compact-funded "support group" People for Progress which promotes the dump in Boyd County.

Fisher said, "Marcum has always said the dump is coming to Boyd County and there's nothing we can do about it. He's the Governor's representative in everything he does. He has said that he has to do this for the Governor."

Monitoring Committee Meeting

Monitoring committee member Jim Selle of Butte said a special committee meeting called for Jan. 2 is an apparent attempt to discredit committee members who "try to do their job."

Requested by John Tienken of Naper, Dayton Sieler of Lynch, William Hansen, Marvin Humpal, and Ron Schroetlin of Butte, all dump supporters sitting on the committee, the meeting notice lists as its subject:

"To consider reports and allegations of violations by a committee member of the committee's approved practices and procedures and violation of the controls and operating practices established by those responsible for conducting the geological examinations of the Boyd County site and violations of the property rights of the owner of the site."

Selle, who recently presented to DEC allegations of US Ecology drilling violations on the wetlands area of the site, said, "I think the people who signed (the meeting request) probably do not want the committee to function as it should. If they see a member trying to do his job, they view that as being a hindrance to US Ecology and, therefore, their chances of receiving the bribe money are less. I think you're seeing a classic example of a watchdog that is on the receiving end of large amounts of money, so the incentive is to look the other way."

Selle said DEC's John Bender verified "beyond a doubt" that one of the three allegations occurred. "But DEC is still unwilling to slap US Ecology's hands. They said, 'Yeah, you violated but we aren't going to do anything about it.' They've proved that they are unwilling to be a regulatory agency."

Fisher said DEC has "set a precedent that they won't regulate US Ecology. It's a proven fact. There's no resistance from the regulators. They want to make sure they also have the path of least political resistance."

Selle said that the special meeting scheduled for Jan. 2 has been arranged in apparent violation of committee bylaws and Nebraska open-meetings laws. "Nebraska open-meetings laws state that meetings shall be advertised in their usual form unless they're emergency meetings," Selle said. "Committee bylaws provide that all meeting notices be published in the Spencer and Butte newspaper at least 24 hours prior to the meeting. Even though the meeting request was signed by the five individuals on Dec. 16, the notice was first actually published on the 26th or 27th in out-of-the-area news media-

Continued on page 3

Inside:

Council Bluffs Casino -- a Treat Ahead .. p. 2

Prominent Nebraskans Implicated by Franklin Abuse Victims -- p. 3

Warren Francke Reflects on Last Decade -- p. 6

Med Waste Vote in City Council Jan. 9 -- p. 8

the nebraska observer

PO Box 31383 Omaha, NE 68131

Address Correction Requested

Subscription Status

To subscribe or renew use coupon page 2.

BULK RATE
US POSTAGE
PAID
OMAHA, NE
PERMIT NO 1064

Kaul: Put Iowa Betting on the Honor System

by Donald Kaul

Good news for Council Bluffs! After a century of living in the shadow of Omaha, gateway to central Nebraska, it is about to assume an identity of its own.

Las Vegas, that's the identity it's going to assume.

At least it will if the plans to build a \$60 million gambling casino on Santee Sioux Indian land there go through. There are a lot of potential hitches in the plan announced by the tribe and Harvey's Resort Hotel and Casino of Lake Tahoe, Nev., last week -- raising the dinky limits on riverboat gambling being only one of them -- but I can't imagine it not coming to pass.

Iowa politicians are always slow to embrace vice. Slow but sure.'

It might not if we were talking about a spoil-sport state like Kansas or Nebraska or a cultural backwater like Missouri or Minnesota, but we're talking Iowa here. Iowa's middle name is Economic Development. (Its first name is Go-go, in case you were wondering.) And to Iowans economic development's middle name is Gambling. If it's not a middle name it's at least an alias.

The casino they're talking about would be the largest between Atlantic City and Las Vegas, employing upwards of 800 people with a payroll of \$11 million a year. The activity generated would provide after-school employment for hundreds of other Iowa boys and girls; particularly girls.

I'm telling you, it would be a true economic bonanza; bigger than Prairie Meadows, even. Iowa is too forward-looking a state to let an opportunity like this pass.

There's some hemming and hawing about it right now. Iowa politicians are always slow to embrace vice. Slow but sure. Their apparent reluctance to raise the stakes limit reminds me of the old joke where the millionaire asks a beautiful woman if she'd go to bed

with him for \$500,000.

"Well, I suppose I would," answers the woman.

"Would you do it for \$10?"

"Of course not, what do you think I am?"

"We've agreed on what you are, we're just haggling over price."

Iowa now has riverboat gambling, horse racing, dog racing, a lottery and bingo, so don't tell me Iowa is too moral for high-stakes casino gambling. We've agreed on what Iowa is, we're just haggling over price.

My guess is that the real reservations about the casino spring from the fact that Native Americans -- Indians in the bad old days -- would make the money out of it. Who wants to be taken to the cleaners by someone named Vito Hiawatha?

I think that makes the project better, not worse. It is a perfect way for the red man to get his revenge for the tricks the white man has played on him all these years. If white men are such simple folk that they believe in the magical powers of cards and dice to bring prosperity, let them follow their superstitions.

One thing I would warn against: Do not let the Indians sell liquor to the white men. White people cannot handle liquor. It makes them drive.

One other thing, this a warning to Council Bluffs: If the casino developers ask you to place the full faith and credit of the city behind the bonds they issue to build the place, say you'll place the faith but not the credit. If you need a second on that motion,

give Polk County a call.

And speaking of Prairie Meadows, I see where they're projecting a loss for next year only half as large as the loss they sustained this year.

That sounds like good news, until you remember that last year at this time they were projecting a profit. Prairie Meadows' problem is that it bought a war-surplus projection machine that the CIA used to project Russian military strength. Everything comes out twice actual size.

But I'm not about to sit here thinking negative thoughts about Prairie Meadows. It

goes against my booster instincts. I think we should all come up with ways to help Prairie Meadows make money. Like these:

Place betting on the honor system. In an honest state like Iowa there's no need to issue tickets for each bet. Let the people come up after the race and announce whom they were betting on and how much they won or lost. It would save a lot in printing costs.

'Do not let the Indians sell liquor to the white men. White people cannot handle liquor. It makes them drive.'

Rent out the place to the county as a homeless shelter during the off-season. After all, it helped create some of the homeless, it's only fitting that it should shelter them.

Sell the infield to an Indian tribe that could then build a gambling casino on it. There's no such thing as having too much gambling.

Is this a great state or what?

(c) 1989 Tribune Media Services. Reprinted with permission.

CB called 'Armpit'

Joe Foreman, assistant editor of the Glenwood Opinion-Tribune, referred to Council Bluffs as the "armpit of the Midwest," in a column distributed Dec. 13.

Foreman wrote that "for years, adult bookstores, sleazy movie theaters and strip joints have been the backbone of the Council Bluffs economy."

Foreman opined that the casino proposal should not be discarded for fear of attracting "lowlifes" since they are already there.

Council Bluffs mayor Tom Hanan was not amused. He called Foreman the next day and invited him to join him on a private tour of the city.

Editor Frances Mendenhall

Environmental Lynn

Editor Moorer

Copy Editor Karen Nelson

PC Page Makeup Anthony Carr

Circulation Jean Holland

Board Jim Cavanaugh of Directors Dick Dinsmore

Frances

Mendenhall

Contributing Colleen Aagesen

Writers Paul Fell

and Artists Warren Francke

Lynn Moorer

Frances

Mendenhall

The Nebraska Observer is distributed monthly by the Nebraska Citizen Publishing Group, a non-profit corporation.

Letters and manuscripts may be submitted to:

P.O. Box 31383, Omaha, NE 68131

They should include the author's phone number and address. Works may be published under a pseudonym at the discretion of the editor.

Phone:

Lincoln: 402-476-1183

Omaha: 402-551-2629

Put me on your list of Observer Supporters!

Name: _____

Address: _____

Phone day: _____

Phone evening: _____

The Nebraska Observer · PO Box 31383 · Omaha, NE 68131

I want to receive the Observer and have enclosed the following donation. *

\$20 member

\$50 sustainer

I am enclosing names and addresses of others who might like to subscribe.

Omaha Residents:

I can help maintain the mailing list.

I can help with mailings.

*The Nebraska Observer needs at least \$20/yr. from all its members who are employed.

Franklin Victims Accuse Prominent Nebraskans

by Frances Mendenhall

The Legislature's special committee investigating the sex abuse allegations related to the Franklin Credit Union collapse has completed its first phase of work, producing 21 hours of videotaped testimony of abuse witness-victims. The committee, while promising to continue its work, has turned the tapes over to the offices of State Attorney General Robert Spire and U.S. Attorney Ron Lahmers. These offices, which are capable of prosecuting (the Legislative committee is not) will charge their investigative arms, the State Patrol and the FBI, to pursue the investigations further, until a decision is made about prosecution.

The new wrinkle is that three new victim-witnesses have given testimony, increasing the circle of people who believe that there was a broad pattern of abuse, and raising the likelihood that others will come forth.

But perhaps even more important, the evidence that influential Nebraskans were involved in a network with possible connections to nationally prominent individuals is now being taken seriously by those investigating. A news report on KETV mentioned seven prominent Nebraskans, one in law enforcement, two in journalism, and four other highly placed people as implicated (no names were given).

In September, the Observer reported

that the head of the special Legislative committee, State Sen. Loran Schmit, had told three women in his office that he had received threats related to the investigation. One said that "some of the biggest people in the Republican party are involved."

July 23, in an editorial attempting to discredit the alleged abuse victims, the World-Herald said that "one child, who has been under psychiatric care, is said to believe that she saw George Bush at one of King's parties." Questions were immediately raised as to who the source of the paper's (previously confidential) information might be, since the only witness known to be under professional care was not the same person who said she had met George Bush; some believed at the time that Acting Police Chief Robert Wadman was the paper's source.

Larry King, the former head of the credit union, whose lifestyle has raised so many questions about links between the stories of abuse and the disappearance of the credit union's \$39 million, is known to have sung at dinners honoring both former President Reagan and then-Vice President Bush. Kirstin Hallberg, the Fort Calhoun child welfare worker who has repeatedly drawn attention to instances of abuse told to her by youths, remembers being told by the young witness of meeting George Bush at a party. Hallberg recalled that the girl's sister was present, and added her recollections of the event.

Hallberg believes that it happened. One witness-victim, according to Hallberg, said that King catered these political parties, "and he didn't just cater the food." The victims were said to have been flown to New York, Washington, D.C., and Chicago.

King has never been identified by the witnesses as a perpetrator, but frequently he has been linked with the events as a facilitator. The questions of who he was facilitating for now appear more likely to be answered.

One local law enforcement agency that has not been included in the invitation to view the tapes and continue the investigation by the Legislative committee is the Omaha Police Department. Committee member Sen. Jerome Warner was quoted in an Associated Press article as saying that the committee discussed at length "who to go to and more importantly, who not to go to," but he did not elaborate. In the committee hearing June 22, the work of the Omaha Police Department in investigating information about the accusations provided by the State Foster Care Review Board was discussed by Officer Chris Carmean and by Assistant Attorney General Bill Howland. Both recalled being aware that politically sensitive information had been kept from Chief Wadman during the summer 1988 period when OPD was involved. As of this writing, no plans have been made to subpoena Wadman for future committee hearings.

ings.

Since last July, when the Legislative committee appeared to change course and concentrate on "following the money trail" instead of investigating the abuse allegations, little has been said publicly about the possibility that prosecutions might result or even that some of the many unanswered questions might be answered. One journalist who has been particularly committed to keeping the issue alive is Steve Brown, whose show on KKAR, "Talk of the Town," has continued to interview people involved in the investigation.

Other agencies had dropped the investigation until the committee in December turned its tapes over to Spire and Lahmers. Some, such as State Sen. Ernie Chambers, who had resigned from the committee in July in protest of the change of course announced by Sen. Schmit, had given up hope of any results coming out of the investigation.

Now skeptics are beginning to be hopeful. One encouraging sign is the personal satisfaction committee counsel John Stevens Berry seems to be getting out of the work. Berry, who is not shy about talking about the long hours the group has put in, takes pride in the discoveries made so far: "We're a small committee. And yet we seem to be getting information that nobody from

Continued on page 9

S. Dakota Senator May Help Fight US Ecology

Continued from page 1

the World-Herald and Lincoln Star," Selle said.

Since there was sufficient time to advertise in the prescribed manner, Selle said, "they're evidently trying to circumvent the Nebraska open-meetings laws so people are less likely to know about the meeting." Selle said other apparent violations of open-meetings law have occurred "as a result of the chairman's trying to call closed-session meetings."

According to Nemaha monitoring committee chairman Speece, he asked Marcum if the Boyd County committee would be interested in joining in studying levels of community support in each county. (Nemaha's study, released Dec. 27, showed support for the dump "is not currently in evidence.") Speece reported that Marcum said he was not interested in joining the study. Selle said Marcum apparently made a unilateral decision since the issue was never raised at a Boyd County monitoring committee meeting.

No Details of Charges Available

Selle said he contacted the committee's attorney, William Blake of Lincoln, to ob-

tain documentation and evidence of the charges to be taken up at the special meeting against the "committee member, whoever he may be, and was told there was none available." Blake is a law partner with Mark Hunzeker, Gov. Orr's campaign treasurer.

Selle said he has officially requested that 1) Blake, as committee attorney, represent the individual charged, 2) Blake come to the meeting Jan. 2 to represent the committee member, and 3) a "full and complete list of charges and accusations, complete with documentation and evidence, be surrendered to the individual charged so that he would have sufficient time to review these charges." Selle said he has heard nothing since he delivered his request Dec. 29.

Despite a committee motion passed in May 1989 "to request that any committee member...have access to the site at any time to monitor and ask questions," Selle said, "it sounds like they're going to charge me with trespassing." Selle said, however, that there has always been a subcontractor present on site when he has visited the site.

"I'd say they are trumped-up charges and harassment of the committee members who are trying to do the job," Selle said. "Marcum is going to try to discredit me for

propaganda purposes. He'll probably appoint a handpicked threesome to investigate me and, of course, they'll find exactly what he wants them to find."

Paul Allen of Bristow said it is apparent to the people of Boyd County that the site selection has been a "charade." He said, "We're just plain mad. No one really thought that we would be picked because we all felt they would use at least some technical merit in picking the site. But obviously we were wrong about that."

Selle said, "This whole technical thing has been nothing more than a dog-and-pony show. There's a lot of people who simply will not tolerate it. I think there are people who will take whatever measures they feel it will take to make sure the dump is not in Boyd County."

Kaufman Modestly Offers Continued Support

Kaufman said he will continue his work as committee member in Nebraska and file suit to stop any attempts to dissolve the Nemaha and Nuckolls County monitoring committees. He also boasts, "From a geographic and legal point of view, I can shut them down blindfolded with both hands tied behind

my back in Boyd, whereas in the other two counties I'd have to take the blindfold off and take one hand from behind my back. Boyd County of the three is the easiest to tie up in court because of the technical requirements of federal law and the geology of the area."

South Dakota Senator Tom Daschle vowed to fight US Ecology's efforts to locate the dump in Boyd County.

Residents just across the state line in South Dakota say there is "overwhelming opposition" in the area.

The Rosebud Sioux Indian Tribe has opposed the dump since Boyd County was first named a year ago as a potential site. Tribal council vice president Ike Schmidt said the tribe may consider litigation to stop the dump.

Meanwhile, Selle said, "a number of staunch supporters and the people who have been very helpful to US Ecology are suddenly driving brand new vehicles. They've got their local puppets running interference for them, both on and off the monitoring committee."

Boyd County monitoring committee chairman Marcum could not be reached for comment.

Herald Applauds Six-Pack 'Factfinding' Junket

by Lynn Moorer

A *World-Herald* editorial about the early December junket to Beatty, Nev. by the Nuckolls county six-pack should have been called "Pollyanna Visits a Nuclear Waste Dump." The editorial writer may have found reassuring insights in the visit, but the rest of us shouldn't.

In an uncommonly long piece, the editors recently chastized four of the 10 members of the Nuckolls County Nuclear and Hazardous Waste Monitoring Committee who did not go on a December trip to the US

Committee Member's Letter to the Editor

Monitoring Committee member Yale Meyer, who also co-chairs the compact-funded "support group" People for a Better Nuckolls County, lauded the Beatty dump and operator US Ecology in a letter to the World-Herald which appeared Dec. 13, the day after the committee's Dec. 12 meeting in Nelson.

It is the opinion of this publication, based on Mr. Meyer's testimony and on our conversation with him that his confidence is based more on trust of authority than on knowledge of the related technology and regulations.

Nelson, Neb.

As one of the six members of the Nuckolls County monitoring committee who toured the national low-level radioactive waste facility at Beatty, Nev., I was impressed with its operations. I was impressed with its safe operation, skilled employees and US Ecology's dedication to worker and environmental safety. The facility is under very tight scrutiny and seems to operate well within all applicable rules.

From the time we entered the facility, we were forced to conform to all safety requirements. We could not enter or leave the facility without being checked for possible radiation contamination. None was detected. The process is just as strict, if not more strict, than what we encountered at the Barnwell, S.C., facility and the Cooper Nuclear Power Station in Nebraska.

Every local person we talked to said he supported the facility and felt it was an asset to the community.

I am glad we had the chance to see for ourselves just how US Ecology manages the kind of material that will eventually be deposited at the Nebraska facility. After having visited the Beatty and Barnwell sites and nuclear facilities in Nebraska, I remain convinced that Nebraska has the technology and regulations to ensure that our low-level waste facility will be safe.

-Yale A. Meyer

Ecology nuclear waste dump near Beatty, Nev.

But Dec. 12 testimony in Nelson by the six shows the *World-Herald* conclusions are unsupported by facts.

Implying that the trip was sanctioned by the committee, *World-Herald* editors touted the trip to Nevada as "a good opportunity to see how (US Ecology) . . . operates a facility that is somewhat similar to one planned for Nebraska. . . . While the methods of disposal will differ, security provisions, personnel management, radiation monitoring and other aspects of the business are comparable."

The Omaha daily wondered why the four members did not go:

"Are their minds so closed on the issue that they don't think they need more information? Are they afraid that they might not be able to find fault with the way US Ecology is operating its Nevada plant? Are they interested in the truth, or are they satisfied with their preconceptions?"

Committee documents show that the trip, partly funded by US Ecology, was not authorized by the committee. Transcripts of the committee's Nov. 7 meeting indicate

that the committee authorized chairman Wayne Garrison to "look into" the Department of Environmental Control funding trips to US Ecology dumps at Beatty, Nev., Maxey Flats, Ky., and Sheffield, Ill., but "not to proceed to make arrangements with US Ecology for a tour." The *World-Herald* reporter's story, however, merely quotes Garrison saying the committee "paid for its members' lodging and transportation to Nevada."

At the committee's Dec. 12 meeting, which featured reports on the Beatty trip and the committee-sanctioned trip in October to Chem-Nuclear's dump in Barnwell, S. C., the six dump supporters who went to Beatty voted to use committee funds to pay their airfare and motel expenses.

The four dump opponents objected to paying the bills, saying the trip amounted to a personal excursion since not all of the committee members were invited, the dump opponents had one hour in which to decide whether to attend, and portions of the trip expenses were paid for by US Ecology, which, committee member Hugh Kaufman said, "under Nebraska statutes could be inter-

preted as bribery."

Mick Karmazin, who did not go on the December tour, noted that he had paid for a personal trip to Beatty in April, and that he had not asked the committee to use state money to reimburse his personal expenses. "The one-and-a-half hours I was at the site wasn't enough but I used my time and spent my own money in April to try to learn some facts. I wasn't comfortable with US Ecology picking up any of the tab for this trip," said Karmazin.

After hearing Beatty trip reports from the six and Karmazin's review of his April trip, David Lovewell of rural Superior said, "Our public money was wasted on the six-pack. I can't fathom going 1,200 miles to spend an hour looking at something that's so important. Mick's report shows he learned more and he paid for it personally."

The most revealing statements about this "factfinding" effort, however, are to be found in the testimony of the six themselves, which we are printing elsewhere on this page. We conclude that they learned nothing of substance, despite the *World-Herald*'s Pollyanna-like assessment.

Monitors Meet, Exceed Low-Level Expectations

The following are excerpts from trip reports by Nuckolls County Monitoring Committee members Arlan Drudik, Yale Meyer, Everett Lillick, Tony Kirchhoff, Lee Ostdiek, and Wayne Garrison at their Dec. 1 meeting.

'It Would Take a Lot to Make You Happy, Wouldn't It?'

DRUDIK: As far as safety, I think their safety standards were very high....

KAUFMAN: Arlan, did all the employees have a dosimeter (which measures gamma radiation)?

DRUDIK: I'm sure they all carried dosimeters....

KAUFMAN: What do dosimeters monitor for? . . .

DRUDIK: Off the top of my head, I can't remember. I've heard it a hundred times. . . .

KAUFMAN: Did any officials from the State of South Carolina. . . brief you about the compliance record of the company? . . .

DRUDIK: I really don't remember.

KAUFMAN: Are you familiar with 10 CFR 61 or 10 CFR 20 regulations of the Nuclear Regulatory Commission?

DRUDIK: No, I can't recite them.

KAUFMAN: Do you know if the site was in compliance with those regulations or not?

DRUDIK: No.

KAUFMAN: Do you know what the

results of any monitoring, either for groundwater, surface water, or air contamination from alpha, beta, gamma or any radioactive materials were from that site?

DRUDIK: If they had any?

KAUFMAN: Yes...the results of the monitoring...for alpha, beta, gamma or other radionuclides?

DRUDIK: I don't get your question.

KAUFMAN: You...stated...that it was your conclusion that this facility meets all safety standards yet you told me you don't know what the safety standards are nor have you seen any monitoring data. So, what's the basis of your conclusion?

DRUDIK: I said South Carolina was making sure they were following them.

KAUFMAN: How do you know? You said there was no regulator there from the State of South Carolina....

DRUDIK: It would take a lot to make you happy, wouldn't it?

'No, I'm Not a Nuclear Expert. Don't Ever Pretend To Be.'

KAUFMAN: Yale, you're an engineer. Do you want to give an engineering report on what you saw in Barnwell?

MEYER: We were there a rather short time. The low-level nuclear waste can be stored and monitored without any difficulty. The locality there, it seemed to have mostly friends. Very few were enemies.

KAUFMAN: Mr. Meyer, were the employees issued dosimeters on-site that

you observed?

MEYER: Yes.

KAUFMAN: And what do dosimeters monitor?

MEYER: Radiation.

KAUFMAN: What type of radiation?

MEYER: I think, mostly alpha.

KAUFMAN: Mostly alpha? No gamma or beta? Do you know what the protection limits of those dosimeters were? If you don't, that's fine. I just want to know from you, sir.

MEYER: No, I'm not a nuclear expert. Don't ever pretend to be....

KAUFMAN: Did you speak to any regulatory officials from the State of South Carolina or the federal government while you were there?

MEYER: No.

KAUFMAN: Do you know whether they're in compliance with all rules and regulations of the State of South Carolina or the Nuclear Regulatory Commission at that site?

MEYER: I would assume they are.

KAUFMAN: And what is the basis of that assumption? How do you know that?

MEYER: I would assume that South Carolina would shut them down if they weren't.

KAUFMAN: How do you know that?

MEYER: I don't know if it's going to rain tonight.

Continued on page 11

1990 Farm Bill: The Dangers of Decoupling

by John Dittrich

In 1990, Congress will develop and pass new national farm and food policies. The legislation will be binding for the next five years, and possibly beyond. The new "farm bill" will be vitally important to farmers, since it will determine the range of prices (and therefore income or losses) they will obtain. The U.S. government has been establishing minimum prices for major farm commodities through farm legislation since the early 1930s.

This new farm bill will also be of great interest to consumers and environmentally concerned people. It will also have an impact on Third World countries attempting to pay off international debts or wanting to strengthen their food self-sufficiency efforts.

There are three possible directions for farm policy:

1) Decouple farm subsidies from farm production and eliminate minimum prices.

2) Continue present farm policy.

3) Raise minimum prices while providing incentives for increased crop rotation and decreased chemical use.

Decoupling

Decoupling would eliminate all minimum pricing, supply stabilizing, and import- and export-restricting provisions now included in farm programs. These provisions would be replaced with direct government subsidies given to farmers regardless of what they planted, or what price they received for their production.

Under such a proposal farm prices would fall sharply from present low levels, a USDA study released in August 1989 concluded. While farm prices would fall, government costs would remain high since direct subsidies would continue.

A major flaw for farmers is that decoupling fails to recognize that farming is a business. This means income is determined by gross income from sales minus production expenses. For example, if a farmer had \$100,000 in expenses, sold his production under the lower prices for \$60,000, and then received a flat government check for \$30,000, he would still lose \$10,000. Meanwhile, the headlines would read "Farmers Receive Massive Subsidies."

Under such a program, environmental problems both here and in Third World countries would accelerate. U.S. farmers and Third World countries worldwide would respond to lower prices with attempts to increase production in order to pay debts, either as individuals or as nations. The goal of such a proposal is also less food self-sufficiency in many countries, meaning higher food imports. This would damage attempts by poor nations to establish stronger domestic agricultural economies. Decoupling would also result in decreased food supply stability and food safety.

Decoupling has been soundly rejected by Congress in the past and is extremely unpopular with farmers. In a recent Nebraska survey, only 11 percent of farmers polled supported it. However, if the U.S. trade proposal advocated by Secretary Clayton Yeutter at the current round of world trade, or GATT, negotiations is accepted, this is the *only* kind of farm legislation that could be passed by Congress.

The decoupling concept is supported by food processors and exporters such as ConAgra and Cargill, by the Fertilizer Institute, and by the USDA.

The major farm group supporting the concept is the American Farm Bureau Federation, theoretically the largest farm group in the U.S. Why? Good question. Part of the answer may lie in the fact that the Farm Bureau is a large insurance company and farm input supplier in its own right. Farm Bureau Insurance is competitive, and anyone who buys the insurance is required to be a Farm Bureau member. The largest concentration of Farm Bureau members is in urban Chicago.

While no other farm group publicly supports decoupling, the National Corngrowers Association, American Soybean Association and National Association of Wheat Growers recently joined the Farm Bureau in a press release supporting the U.S. position at GATT. However, there are state chapters of these groups opposed to the national position. For example, the Nebraska Wheat Growers vehemently oppose the U.S. position.

The aforementioned organizations are called commodity groups. This means they concentrate on supporting a single farm commodity, sometimes at the expense of other commodities. While they have many farmer members who have legitimate differences with other farm groups because of philosophy or ideology, these groups at the national level are closely tied through funding and marketing efforts to the food processing and exporting interests.

Continuing Present Policy

This proposal would continue the present farm policy of low minimum prices and high government subsidies. Some suggestions would "freeze" present support levels. However, a recent study released by the Food Agricultural Policy Research Institute (Iowa State University and the University of Missouri) projects that even under a freeze real farm income would drop more than 40 percent over the life of the farm bill due to inflation of production costs. Government costs would still remain high, and the multiplicity of problems inherent in current legislation would remain.

The National Corn Growers and American Soybean Association advocate the same type of farm policy with continued low farm

prices, but with higher government subsidies and therefore costs. Their position is interesting, since they also like the U.S. GATT proposal, which would eliminate the farm policy they support. The American Farm Bureau Federation supports a continuation of current farm policy if decoupling is rejected.

Higher Prices, Environmental Incentives

A third alternative would raise legislated minimum prices, and, therefore, market prices on farm production. Processors and exporters would have to pay fair prices to farmers, which would reduce or eliminate the need for government "subsidies," which now actually benefit the buyers of farm production. Processing and exporting companies can now buy farm commodities at prices below farmers' cost of production. They have no incentive to pass these cheap prices on to consumers.

Farm production would continue to be stabilized, but in a cheaper, more efficient, more environmentally sound manner. Production goals would be based on bushels or pounds rather than acres, meaning farmers could use all their land at a lower intensity to meet these goals. Changes would be made to allow increased crop rotation and economic disincentives that now force farmers to grow a single crop, such as corn, would be ended. Farmers now do this not because profits are high in the single crop, but because they are low or nonexistent in other crops. Finally, economic incentives would be provided to farmers who wished to institute plans to lower chemical usage.

These proposals in some form are sup-

ported by the National Farmers Union, the National Farmers Organization, the American Agriculture Movement, and the National Family Farm Coalition (which represents more than 40 farm and rural advocacy groups across the U.S., including the Nebraska League of Rural Voters). These four groups comprise all the major general farm organizations other than the Farm Bureau. "General" means that they represent all types of farmers, including grain, dairy and livestock producers.

Obviously, the choices before us are important to all in society. I would urge those who have an interest in farm and food policy to determine what direction they want to go. I hope it will be in the same direction as the organizations mentioned in the previous paragraph.

But to have an impact, individuals and organizations must voice their support to those who make a difference. In Nebraska, the most important contact at this stage of the farm bill debate is Sen. Bob Kerrey. Sen. Kerrey is the only one in the Nebraska congressional delegation who sits on an agricultural committee. All farm bill proposals will originate in the Senate or House Agricultural Committees, and that is where much of the meaningful debate will occur.

Interested people shouldn't stop there. It is also important to contact Sen. James Exon and congressional representatives Peter Hoagland, Doug Bereuter and Virginia Smith. All have influence with agriculture committee members, and all have public voices. It will take many voices to change the deplorable U.S. position now advocated by Secretary Clayton Yeutter at the GATT negotiations.

'Better Farming for the 1990s'

"Better Farming for the 90's" is the theme of the Nebraska Sustainable Agriculture Society's Annual Meeting. Authors Marty Strange, Center for Rural Affairs, and Fred Kirschenmann, Northern Plains Sustainable Agricultural Society, will speak.

Participants may attend up to three of 18 workshops on topics of interest to both urban and farm families, including programs on livestock, farming practices, gardening and lawn care, cooking, health, the farm bill, and Central American agriculture.

Amnesty International Meeting

An Amnesty International Urgent Action Letter Writing Group will meet at the Second Unitarian Church of Omaha, 3012 South 119th St. (about two blocks south of Center) on the following Tuesdays at 7 p.m.: Jan. 9, Feb. 7 and March 7.

Amnesty International is a non-political organization that works impartially to promote and guarantee human rights for

all. It is mainly through the letters of thousands of its members that Amnesty International makes its case for human rights.

Urgent Action groups write letters on behalf of prisoners of conscience being held or in immediate danger of torture or execution.

Those interested may contact Greg or Anita at 397-2496.

by Warren Francke

What sort of news year was it?

Try this perspective: In '87, the Omaha Press Club Ball gave us, "Ready Orr Not," with Kay Orr on the cover saying, "Being Governor is stressful! I found another gray hair this morning."

In '89, her popularity polled under 50 percent, despite a record number of photo opportunities posing her with everyone on the political right except Manual Noriega and the Ceausescu.

In '88, the Press Club celebrated "Harper's Bizarre: Nebraska Gets the Business," with the program cover showing heaping platters of cash, buildings and jet planes brought as offerings to a Boss Tweed-like Mike Harper. Later in this column, we'll declare him our Omahan of the decade. It wasn't close.

And just last year the OPC borrowed Sen. Bentsen's veep debate zinger and caricatured a half-dozen mayoral candidates in "You're No Gene Leahy."

So what does the Press Club come up with for 1990?

The Pottawattamie Moose. I'm all for hands across the border to my home state, but it must have been a bland year for news if the upcoming ball is titled, "They Shoot Moosees, Don't They?"

If you weren't around, this moose, you see, was wandering around Southwest Iowa, chased by Camcorders and sightseers, and when some guy from Underwood claimed it charged him so he shot it dead. More on moose hunters later.

But we get a moose after a year when Hal Daub showed up in a red sweater? When our County Attorney played Harry Truman in a whistle-stop search for the U.S. Senate? When Omaha's Republican fat cats drew cash at Democrats such as Sen. Jim Exon and Congressman Peter Hoagland in record bundles?

After a year when Bill Hoppner led Democratic gubernatorial hopefuls by a big margin, then vanished in the next poll without Bob Kerrey's name beside him? A year when P.J. Morgan promised to be all that he could be without joining the Army? When King Harold stepped down at the World-Herald and Mike Yanney did not replace him?

Stop me. I can't stop making lists. End of the Eighties lists and 1989 lists swim past me like writhing ghosts. I can't help it. I'm even rating everybody else's decade-enders, for example:

Influential Charlie Who?

Best Item unearthed from Jan. 1 1980: Diver Dan did it in Our City Omaha magazine. He caught the World-Herald hint that Gov. Charles Thone and Chief Justice Norman Krivoshak were most likely to be named "most influential" at the end of the

80s. Then along came Kerrey.

Peter Kiewit was named "most" in the 70s, and the 80s list mentioned an also-ran named Mike Harper. If the man who'd move ConAgra in a minute or get his way with the legislature wasn't Omahan of the 80s, who was? Handshake Hal Daub? Bob Wadman, the cop who charmed everyone but the cops? Mike Boyle? Harold Andersen? The Bennington Badger? Harry Pappas? All the various Larry Kings? The fellow who moved in north of Memorial Park and sings "Waltzing Matilda"? Everett Sileven? Bob Spire? Jan Stoney? Bob Armstrong?

(Feel free to skip ahead when you sense a list forming.)

Anyway, Diver Dan wrote the most entertaining decade-ender so far, but made at least one major error: He had Kerry Trotter helping Kansas to the NCAA basketball championship; Trotter went to Marquette, Ron Kellogg and Cedric Hunter went Jayhawk.

No, Not G.I. Blow

Worst Choice for News Story of the Decade: The AP voters who picked the Grand Island tornadoes as the top newsmaker.

If you look at the top 10 stories each year, no question that the farm crisis made more big headlines, from foreclosure to bank closings, from a radicalized farmer killed in the Cairo shootout to billions lost by the Farm Credit Banks. WOWT named it number one in its "Images of the 80s" hour last

week.

But Channel 6 left out Everett Sileven and the Christian School controversy, which made top 10 lists four years running. Maybe reporters remember Rev Ev as a hype-master who got more press than he deserved. Going back to our Press Club Ball measuring stick, Sileven would rank right up there with Boyle and Kerrey as inspiration for irreverent lyrics.

(Of course, if you went by ball programs, prostitution would seem to be the story of the decade. The show always has hookers.)

Give those same AP voters credit for serious-minded selection when they named "personal property taxes" as Nebraska's top story for 1989. No good video in this one, so don't look for it on TV wrapups.

In other words, "You're no United plane crash," the number one story in Iowa.

Greedy Reagan Years?

Biggest Surprise in 80s-Enders? Well, we read in the Herald's Magazine of the Midlands that the Reagan years did, indeed, as so many have said, become the greedy decade.

Did Andy and Woody and company say that? Sort of. Bob Reilly wrote their 80s wrapup, a model of deft compression; he did for the decade what George Will did for the year in Newsweek.

Reilly wrote, "Our focus became internal, even insensitive, so that candidate George

Bush felt compelled to promise a kinder, gentler America."

Which is the kinder, gentler way to declare it the decade of greed.

Dave Hendee and his Midlands mag staff and the Herald photographs nutshelled the 80s with a mixed bag of images for each year. Not just the serious stuff. Take 1986, a layout with:

Kay Orr and Helen Boosalis smiling into history as the first two women in a runoff for governor, the Chester funeral for "Little Boy Blue;" scary Michael Ryan, the Rulo cult leader; scary Jim Cleary and Judy Lessman, unloading recall petitions: Tecumseh residents saluting flags for the "Amerika" miniseries on ABC, and the dreaded Arnie Barnes mugging next to David Letterman, whose "Late Night" claimed Arnie as its Omaha correspondent.

Disco Dillinger?

WOW says it's our top radio news station and who can argue when Will Jamison hypes a story by identifying its subject as:

"A trigger-happy disco Dillinger."

What's the racial and ethnic ID policy at KMTV? In a 5 p.m. Saturday newscast, Kent Grisham reported the cocaine arrests of a pair labeled only as "two Mexican-American males." Whatever that means.

At 6 p.m. the same evening, WOW named the two men, thus narrowing the stigma by excluding the rest of our card-

WASHINGTONoon.



Looking Back at the 1980s

carrying Mexican-American males.

Bloody Stump Dream

We dream different dreams, it seems. Dale Dingman's dream, as reported by Gene Hornbeck, the Herald outdoor columnist, was to sit on a stump until he killed an elk.

Maybe "killed" is the wrong verb. Make it "bagged." "Omaha Bags His Dream Elk," the headline said. In the sports section. Sport.

In such dreams, does one see the bullet exploding between the elk's eyes? Or is it a bloodless, slow-motion "bag"?

As Dingman tells it in the Dec. 17 paper, "The guide told me to pick out a stump and sit on it." (Pretty exciting so far?)

About 20 minutes later, he sees something in an opening in the timber. "I put the scope on the bull and he had a huge rack with white tips on the antlers. I lined up on his shoulder and touched off my 338 Winchester and the bull disappeared." (Of course when you see something beautiful that you've dreamed about, you quickly kill it.)

No, the elk didn't vanish in the forest. "When I got to the spot I found I had bagged a beautiful 6x6 bull. My dream had come true...."

Then Dingman gets misty-eyed about the Montana high country: "May it always remain as it is now -- vast, clean and unspoiled."

Unspoiled? I suppose that means that he didn't leave a bloody elk carcass rotting about. Put the bull in a bag, no doubt.

It must be something unmanly in me. I once stood 20 or 30 yards from a majestic bull in the wild, and it never struck me that I was supposed to kill it. Excuse me: bag it. I just wanted to look at it.

I'll never be a red-blooded sportsman and share Dave Dingman's dreams.

Bye Andy, Hi John

Speaking of hunters, the Nov. 28 Sunrise edition of the daily said "Andersen Retires as W-H Publisher; Board Elects Gottschalk as Successor."

Some, but not all details followed. Andy would become a contributing editor but he'd find more time for reading, hunting and golf. Maybe he can explain once again how hunters are mere farmers, harvesting elk like so many soybeans.

We didn't get a blow-by-blow on the board vote for Gottschalk. Were others nominated? Did Woody Howe get up and say, "You promised I could be publisher"? Was the vote split 4-3?

I'm kidding. No surprises here, unless you believed the wild rumors that Mike Yanney would take over. That was the product of pessimists on the Herald staff, worriers who can always imagine something worse.

Gottschalk was heir-designate the day he was hired in 1975 as administrative assistant in Harold Andersen's office. The story

by Bob Dorr provided only the most routine, self-serving information and not all of that.

Readers were left to guess about a key point: the fact that Gottschalk will retain his two titles, president and chief operating officer. Dorr was clear that he'd take Andy's roles as chief executive officer and publisher.

Dorr didn't ask, apparently, if Gottschalk would continue Andy's practice of intervening directly in news coverage and editorial decision-making. If Gottschalk's work with Child Savings Institute is the measure of the man (and his wife Carmen), he will continue to be a model citizen.

For now, we know little. He wouldn't talk to the press, and his only coverage came from Bob Dorr.

You remember Bob. He gave us the 11th-hour hatchet job on the keno contract applicants, the story denounced so effectively by former sports editor Wally Provost. He wrote the remarkably deficient story about Harold Andersen's "award" (some called it a gift) of \$100,000 to Gene Maheen, then a state official.

Watchdogs Do Decades, Too

My top three local media stories of the 80s, if you missed them on WOWT:

1. More choices for home viewers. The top media news event came in 1981, the birth of Cox Cable (a date incorrectly reported in the Herald decade-ender), but this story includes the arrival of KPTM in 1986 and such trends as the growth of VCR owners from only a half percent of Oma-

hans in 1979 to 60 percent today.

2. Loss of choice in the local printed word. In 1983, the prize-winning group of community weeklies, the Sun Newspapers, died, as did the attractive monthly Omaha magazine (not the blander Our City mag of today). Bob Hoig's weekly Downtowner lasted less than a year in 1985, and the Metropolitan folded last August after nearly four years. The World-Herald's best of the 80s were the population bomb series in '84 and the world agriculture articles in '87, with key roles by Jim Flanery, Paul Goodsell and photographer Phil Johnson.

3. The rise of FM radio, the fall of AM music and the welcome growth of AM talk and information. In 1979, KFAB ruled radio here with a third of all listeners, but it was sold in '86 to a California group, Lyell Bremser retired and FM's Z-92 and Sweet 98 caught up in the ratings.

In '87, KKAR gave us a news and talk station, Steve Brown later made headlines with his morning "Talk of the Town," and KKAR and Sweet 98's John Mitchell ends the 80s as our leading local radio owner.

Project Censored

Observer readers can participate in a national media research project by submitting nominations for the "Ten Best Censored Stories of 1989."

You can help the public learn more about what is happening in its society by nominating important stories you feel didn't receive the media attention they deserved last year.

The deadline for nominations for the 14th annual effort of PROJECT CENSORED is March 1, 1990.

To nominate a "censored" story of 1989, send a copy of the story, including the source and date, to Dr. Carl Jensen, PROJECT CENSORED, Sonoma State University, Rohnert Park, CA 94928

The Decade in Verse (It Coulda Been Worse)

by *The Observer's Poet-in-Residence*

Our son of the soil -- Clayton Yuetter
Pledged agriculture would do better
With a message to farmers unborn:
Furnish Russia more 2-dollar corn

Came a message from Governor Orr
In taxes less often is more
Got Vard Johnson a 775 axe
To diminish the corporate tax

Mike Boyle often dropped by the station
to defend a beleaguered relation
Whence the voters himself then retired
But not before Wadman was fired

Ernie Chambers can't seem to relate
To the minions patrolling our state
When a trooper put Ern in a fidget
He ran over the man's pedal digit

Knoxville planned a down south
seduction

To capture Mike Harper's production
The Smokies lost out -- more's the pity
Outbid by our county and city

Harold Andersen -- retired for age
Vowed continuing municipal service
He won't get the weekly 1/4th page
Which made writing professors
so nervous

Mike Albert while guarding our purse
Sought to fire each visiting nurse
Ak-Sar-Ben got Waterloo's hogs
And racing fans went to the dogs

A savings group called Commonwealth
Promised clients enhancement of wealth
State's attorney did not make a collar
Folks will get 60 cents on the dollar

A pastime most often called Keno
Reaps big sums both in Vegas and Reno
But our council could not get it on
Now most gamblers are going, going,
Gaughan

Many thought in some future
tough scheme
Our elected their guts would redeem
By a tally of just four to three
They said "move, but not next door
to me."

Kerrey made the statehouse again Demo
While Debby sped on in his Limo
Now he's transferred his
government service
and Senatorial Tories are nervous

A farm girl's lust for glory and power
In the Eighties did come to full flower
Then sweet Nancy did sneakily depose
Ronald Roskens, who smells like a Rose

When poor folks lost their nickels
and dimes
To a group that was felled by good times
Roger Jepson said I'll take the plaudits
For enforcing quadrennial audits

The EPA folks in their haste
Got five dominions to compact nuke
waste
Whence Nebraska must choose its
best site
Kay Orr croons "Another
sleepless night."

Our Cornhuskers continued to win
A fixture among the Top Ten
Why is Tom Osborne under the gun?
The fans all demand number one!

Nebraska Resource Protection Association

Chili Feed

Sunday, Jan. 7

Millard Social Hall

Hwy 50, near Hwy 370

4-8 p.m.

Meet environmentalists
from around the state.

Learn how much difference
you can make in preserving
our natural resources. Eat free,
but bring your garbage for recycling.

Contact Ellen Ernst

Council Votes on Omaha Incinerator January 9

by Lynn Moorer

Six months of political and technical skirmishes over Omaha's proposed entrance into the commercial waste incineration business have drawn clearly-defined battle lines. A city council vote Jan. 9 that adversaries on both sides say will alter Nebraska's future will determine whether the door to commercial incineration is thrown open or remains closed. A six-month moratorium on new incinerator licenses is scheduled to expire Feb. 1.

On one side is ubiquitous technocrat Elwin Larson, an engineer for Omaha's Public Works Department and co-chair of the city/county biomedical waste task force. Larson also chairs the State Environmental Control Council, and serves on the Governor's Air Quality Committee.

On the other side is an articulate array of citizens with environmental, insurance, meteorological, and biological portfolios whose concerns have attracted the focus of the task force's work since its inception in August 1989. Spurred by Dorothy Lanphier, Citizens Lobbying for Environmental Action in Nebraska (CLEAN); John Pollack, a meteorologist working with CLEAN; Ellen Dahlstet, Area Coalition of Residents for Environmental Safety (ACRES); John Sarich, an insurance executive heading Citizens for a Safe Environment; Tom Foster, People Against Polluters; and Dr. Charles Curtin, biology professor retired from Creighton University, the coalition has confounded and infuriated Larson's goal to achieve a consensus recommendation to hand to Omaha's city council.

Elwin Larson proposed a waste incineration ordinance to the council Dec. 19 which he said represented the Public Works Department's view. Petulantly criticizing a minority report submitted by the coalition, Larson opined that the report's authors "will never accept incineration as an acceptable disposal alternative... will never accept a for-profit incinerator in (the Omaha)... community," and "will never accept the ability of federal, state, and local regulators to protect the public's interest."

The coalition's minority report, promising "technical concerns" in a future publication, listed as "policy concerns recommendations":

1) Continue the moratorium for permitting new incinerators on an open-ended basis, with re-evaluation every six months;

2) Accomplish a comprehensive assessment of the medical waste generated in the Omaha area;

3) Establish a clear definition of medical waste;

4) Complete a thorough analysis of all medical waste management methods;

5) Perform independent emissions testing for toxic pollutants on existing medical waste incinerators in Omaha and present an analysis to Omaha's mayor and city council.

The only proponent speaking in favor of the regulations contained in the ordinance, Larson responded to City Councilman Steve Exon's questioning as to any risk of continuing the moratorium six months, "We feel that the longer you delay the promulgation of regulations, the more vulnerable we become.... I would hate to lose in a court challenge about are we or aren't we ever going to come up with regulations...."

Fines 'No Threat'

Sarich said the proposed ordinance's requirement for a minimum of \$500,000 for professional liability insurance is inadequate for a multi-million dollar corporation. "Absolute responsibility and liability of the

owners and operators is paramount. It is extremely important that the city not be held liable for a cleanup of hundreds of tons of medical waste," he said, "accumulated by an operator who doesn't know how to manage it and has walked away. A for-profit operator that would come into Omaha would have the financial resources and backing with insurance in excess of millions of dollars."

Sarich said that if BioWaste, the Minnesota firm that has applied to build two incinerators in Omaha, "feels that an insurance requirement would not make a plant like this commercially feasible, they are mistaken" because "everything is available in the insurance market today at a price." He said, however, "whether the price is something (they) want to pay is another matter."

Lanphier said the \$500 fine for violating the proposed ordinance is "no threat." She said Larson's argument that the threat of losing one's license is a strong incentive for applicants to obey the ordinance is "a joke." "The city doesn't know there's been a violation until the operator informs them. Under this proposal the holder of the license monitors himself," she said.

Dangerous Emissions Barely Checked

Lanphier called the Public Works' plan for monitoring "grossly deficient." She said, "The things that are really dangerous, like heavy metals, organic compounds, acid gases, and particulates, are barely checked, if at all."

Dr. Curtin told the council that waste burned by hospitals contain large quantities of plastics. "They are inert, non-toxic when they go in (the incinerator). They come out as dioxins and furans--among the most carcinogenic compounds that we know of."

Lanphier said, "Only the minor things like temperature, opacity, and carbon monoxide, whose measurements are aimed at checking if combustion is complete, are

monitored. These minor things are only checked by the operator who has a vested interest to not be out of compliance."

At the council hearing Larson charged that the minority report authors were "misrepresenting that the proposed ordinance has no monitoring requirements for radioactivity." Pollack, in a statement read by Lanphier, faulted the ordinance for "implicitly assum(ing) that an inventory procedure prevents radioactive waste from being burned, but," he said, "communications with the state indicate that the procedure is not always followed."

Lanphier countered that Larson's statements that federal and state mandates will be followed in establishing radioactivity monitoring requirements are "misleading." She says, "The state doesn't have a mandated procedure. It was only after I insisted that DEC's air quality chief look at the permit for the state-of-the-art incinerator in Stroud, Okla., did he amend BioWaste's permit to include two requirements -- a handheld detector when the waste is picked up and a monitor on the incinerator's waste feed. It is certainly not standard procedure. Until I raised a concern, the state required no monitoring for radioactivity at all."

She pointed out that while the state requires ash to be monitored for radioactivity, Larson's proposal only calls for monitoring according to the Radiological Health Department's process, which, Lanphier said, does not perform this function in its normal procedure. "Elwin's statements about radioactivity monitoring do not give an accurate picture," she said.

Dump Stack 'Weakest Link'

Foster told the city council that incinerators can operate without dump stacks (which release partially-burned materials and toxic gases directly into the air when spiking temperatures threaten equipment). He said if an operator is allowed to use a dump stack, an alarm to warn the neighborhood should be required "as it is in most localities."

Larson, who admitted that the "dump stack is the weakest link of the operation," objected that any alarm could be "misrepresented for a civil defense siren alarm." He said any opening of the dump stack "will, of course, be monitored by us."

Lanphier cited inclusion of a dump stack in the ordinance as one of several instances of the Public Works Department "disregarding very important recommendations" by New York incinerator expert Jack Lauber, whose expenses the City of Omaha paid in order for him to consult with the task force. "Jack Lauber recommends that a dump stack only be used during a dire emergency such as a power outage. To prevent using it, Lauber recommends emergency generating equipment," Lanphier said. "On the other hand,

the city proposes to use the dump stack to protect pollution control equipment. Only inexpensive pollution control devices use dump stacks."

Problems: Self-Monitoring and Modeling

The Public Works' ordinance proposes to regulate major areas as outlined in documents titled, "Requirements for Performing an Environmental Assessment" and "Compliance Manual," which includes sections on reporting requirements, infraction hierarchy, inspection reports, and testing procedures.

According to Larson, the city council adopts and modifies these documents by resolution, which does not require a public hearing. Lanphier questioned how the "substantive issues covered in these documents can have the force of law or be enforced if they are only adopted by resolution."

She said the proposed compliance manual and environmental assessment provisions, which were not available for review by the city council at its Dec. 19 meeting, are "ridiculous." Lanphier criticized their reliance on applicants to perform analysis and assessment of the waste stream, as well as health and environmental assessments through modeling.

"These are nothing but numbers games," Lanphier said. "They are the same games that other states and cities have used and have failed." She said the average citizen is unaware that regulatory authorities almost never "measure what is actually coming out of point pollution sources nor do they take soil samples or perform tests to measure buildup of contaminants in people and the environment."

Instead, Lanphier said, "proposals like Elwin's rely on theoretical models that consider an inherent uncertainty of plus or minus 50 percent to be a normal range. Congress has become so concerned about the heavy reliance by EPA (whose models regulators exclusively use) on these theoretical models that they've asked the General Accounting Office to investigate."

Lanphier said she and other coalition members "intend to let the city council members know that we deserve better than this proposal. Nebraska can learn from the mistakes that have been learned in other states."

Dahlstet said she is disappointed that Larson is "unwilling to use the resources and energies of the task force members to do the job right. The only way to assure there is no risk to health and the environment is to monitor continuously and he doesn't want to do that."

Lanphier said, "The proposed ordinance would be...opening the door wide for waste disposal companies to take advantage."

LETTERS

Dear Editor:

It was with a great interest that I read your article on the Union Pacific Railroad -- where I spent 48 long years -- the first half at the shop in Omaha, where working conditions were, more than occasionally, frustrating and miserable, the last half after I was promoted to a staff job in the headquarters building, where the working conditions were most enriching and satisfying. On the locomotive erecting floor, the noise level was so high that the only way we could carry on a conversation with our fellow workman was to *shout* as loudly as possible directly into his ear! It was this way *all during the working day!*

The south end of the erecting floor was usually white with asbestos dust -- sometimes the air was filled with asbestos dust from the floor to the ceiling. Workers carried this asbestos dust home in their hair and clothing, permitting asbestos dust to be inhaled by their wives and children.

During a few of the war years I had to clean out feedwater heater copper tubing with muriatic acid. After positioning the

inverted heater assembly (containing the tubes) in a "skid," it was necessary to use a hard grease called "dope" to seal a metal dam around the tops of the tube assembly, after which, I had to carefully pour the muriatic acid from the "carboy" (a large glass container) into a copper ladle then pour it into the tube assembly until the tubes were filled. The muriatic acid was left overnight to eat into and dissolve the buildup of scale (from the feedwater) that was restricting the inside of the tubes. The following morning I had to connect a hose and a tapered nipple to a water connection and initially use water to force the muriatic acid out of each individual tube, then, using the same tapered nipple and globevalve, then the rubber hose was connected to an air supply and used to blow out the water and muriatic acid remaining in each of the copper tubes. You can imagine what this mixture did to an employee's shop cap, overalls and jacket or shirt -- they were always full of holes and had to be thrown away! Muriatic acid is extremely harmful if it comes into contact with the eyes or skin! Shop employees were

forced to work in pits with as much as two to three inches of water. When, in the winter, the foreman would rush in and tell you to go outside and work on another engine the employee's feet were at risk! Any complaint regarding these conditions would have meant the employee's dismissal.

There were *no* doors on the toilet stalls of the toilet rooms used by shop forces. All of the personal amenities of a prison cell were provided. Lunch was eaten sitting on the floor or on the bed of a machine or on a work bench. There was never a provision for obtaining hot food, although the closest restaurants were over a half mile away. Shop employees were permitted only a half hour, or less, for lunch.

Henry David Thoreau said it best, "Most men lead lives of quiet desperation."

Sincerely,
John P. McGlynn

Dear Editor:
I enjoyed reading John Dittrich's article concerning agriculture policy. The article

did an excellent job of describing agriculture policy and how it impacts on many issues such as the environment and global hunger.

I would like to comment on Mr. Dittrich's statement that the GATT negotiations are occurring without public input. Individuals can become involved in the process by writing to the GATT Secretariat (Arthur Dunkel, GATT Secretariat, Center William Rappard, 154 Rue de Lausanne, CH-1211, Geneva 21 Suisse). With regard to the comments made by Mr. Dittrich, request the Secretariat to see that export dumping is stopped and that Section XI is retained (Sec. XI gives a country the right to control food supplies). Also, be sure to send copies of your letter to your Representative and to your senators.

I hope that Mr. Dittrich will continue to write for The Nebraska Observer and look forward to future articles by him that address agriculture policy.

Sincerely,
Peter M. Gannett

Jury Awards \$136,907 to Victim of World-Herald Racial Discrimination

by Frances Mendenhall

In a trial to be decided partly by jury, and partly by judge, the jury has awarded Georgianna Fray, formerly of Omaha, a settlement of \$137,907 for racial discrimination by the Omaha World-Herald in 1985.

Fray, who is black, was, according to her lawyer, Michael Kratville, passed over for a mail room position that was given to a less-qualified white male. When she filed an EEOC complaint, the World-Herald retaliated and forced her to resign.

In an interview with the Observer, Kratville recalled events that put pressure on Fray:

-Coworkers made accusations against her.

-Her car was damaged.

-Someone wrote graffiti about her in the bathroom.

-One employee threatened to beat her up.

-A supervisor put a picture up on a bulletin board attacking the integrity of a

black co-worker.

According to Kratville, all 40 mail room employees at that time were male. Thirty-seven mail room employees were white and three were black. The person hired for the job was a white male who had operated a truck on the docks. He had not been given a mechanical aptitude test for the mail room work. Fray, on the other hand, had knowledge of many of the machines used in the work.

Fray had worked in the mail room part-time; the ad for the position stated that mail room experience was preferred.

"The jury," said Kratville, "was rightly very upset about what had been done to her." It awarded Fray \$136,907. The award included \$100,000 for punitive damages, \$32,000 for net lost wages, and \$5,000 for emotional distress. The judge, William Cambridge, still must render his portion of the decision, which could alter the settlement. Kratville expects the case to be appealed. World-Herald lawyer J. Derr de-

clined to comment about the merits of the case.

The World-Herald reported the award

Dec. 2 in a three column-inch story on page 32. The 20-point headline was the smallest on the page.

That colored stamp:

FINAL ISSUE
Please Consider Our
Expenses When Renewing

Complimentary Copy

What does that colored stamp
in the front page "subscription status" box
have to do with the survival of this newspaper?

Everything.

Our project works well and is cost-effective.
But it's not free. We need 2,000 people to fill out the coupon
on page 2 in order to get established.

If the front page of this paper has a colored stamp on it, it's
because we're depending on you to join. So get yourself
on our mailing list.

FINAL COMPLIMENTARY COPY

And you won't miss a single issue.

MEMBERSHIP DUES \$20.00
Please Consider Our
Expenses When Renewing

Nebraska needs this forum of independent ideas!

IBM PCjr for sale!

Includes color and monochrome monitors, carrying case, PC-DOS and manual, Guide to Operations manual, Technical Reference manual, Cartridge Basic with manual, genuine Hayes modem, and CommunityLink Software. \$295. 345-5147 (Omaha).

Monitors Believing, Uncritical After 1-Hour Tour

Continued from page 4

GARRISON: (At Barnwell) they explained the process to us in laymen's terms, which we all are. We are not nuclear experts, don't pretend to be, as Mr. Meyer indicated....

KAUFMAN: Did they provide you with any air, surface water, groundwater monitoring data or anyone who talked...?

GARRISON: No data, no. They only showed us how they did it.

KAUFMAN: Right. Did they provide you with copies or explain the state or federal rules for operating the site?

GARRISON: No, they did not.

'I'm Surprised at a Lot % of Things.... So, I Don't Know Anything.'

KAUFMAN: Do you have any basis to conclude whether that site is in compliance or not?

GARRISON: I concluded that it was in compliance by virtue of the fact that it was operating, I guess. It was under the auspices and under the scrutiny of those various organizations that are in South Carolina to do that. I guess that's where a layman draws those conclusions from....

KAUFMAN: Would you be surprised, Mr. Garrison, if I told you that in the State of South Carolina there are dozens of sites that are not in compliance with state and federal law and not one has ever been closed? Does that surprise you?

GARRISON: I'm surprised at a lot of things these days. So, I don't know anything.

KAUFMAN: Were any regulators from the State of Nevada there?

GARRISON: No.... The one senator talked.... He was the senior member of the assembly.... He went through a brief history of his contacts with the nuclear waste issue in Nevada.

KAUFMAN: What were his contacts with the nuclear waste issue?

GARRISON: I don't know. He was talking about the legislation in that sense and attempting to regulate the industry as closely as possible....

KAUFMAN: What is (his) ... association with US Ecology?

GARRISON: Purely through the legislative process.

KAUFMAN: ... In other words, US Ecology lobbies them?

GARRISON: Well, I'm sure they do. Certainly, they do.

KAUFMAN: Does US Ecology make contributions to them?

GARRISON: I wouldn't know....

KAUFMAN: Did they provide you any data of groundwater or air monitoring at the site?

GARRISON: No, not any data....

KAUFMAN: Did anybody brief you on the laws and regulations of the State of

Nevada or the Nuclear Regulatory Commission?

GARRISON: No.

KAUFMAN: Did US Ecology state that they were in compliance with all of the laws of the State of Nevada?

GARRISON: No. Likewise, it's similar to the Barnwell site in that you pretty much assume that they are or they would have told me.

KAUFMAN: You assume that so as long as they're operating, they're therefore in compliance?

GARRISON: I guess that's the conclusion you draw....

KAUFMAN: In the list of violations that US Ecology listed on site from 1961 to 1986, were they closed down for these violations?

GARRISON: They were, I believe, several times. There were some brief periods of closure, as stated....

KAUFMAN: The preponderance of violations they weren't closed down, so you can't really draw the conclusion that if they're in violation, they're going to be closed down, can you?

GARRISON: It depends on the violation, I should imagine... depending on the severity of it....

KAUFMAN: Did they show you the area where they illegally dumped waste off the site?...

GARRISON: I don't think it was shown to us but I think they pointed it out....

KAUFMAN: How long were you at the Beatty site?

GARRISON: I would imagine we were actually inside the interior of the facility one hour.

What Did They Check Your Shoes for, Everett?

KAUFMAN: Everett, in the Omaha World-Herald you stated that the charges were that it was a loose and sloppy operation and that's not true.... What's the basis for that conclusion?

LILLICH: I thought it was a well-run operation.

KAUFMAN: Well-run? What do you mean?

LILLICH: It was strict.... When we walked out of the place,... you couldn't drive around in the open. You had to walk through a building to get out. They checked your shoes.

KAUFMAN: What did they check your shoes for, Everett?

LILLICH: You know.

KAUFMAN: I don't know what they checked your shoes for, Everett. I wasn't there. Did they check them for cow manure or what?

LILLICH: (No response)

KAUFMAN: Wayne, are the regulations in Nevada more stringent than in South

Carolina?

GARRISON: We were informed that they were, yes.

KAUFMAN: Who informed you of that?

GARRISON: The state senators and the assemblyman that we spoke to. They were taking pride in the fact that they... thought they were the most stringent of regulators as far as....

KAUFMAN: In other words, there are more stringent regulations in Nevada for handling this material than South Carolina?...

GARRISON: That's what we were led to believe....

KAUFMAN: Wayne, do you know what an agreement state means?...

GARRISON: Agreement state?...

KAUFMAN: An agreement state means that a state has authority by the NRC to regulate low-level radioactive waste in that particular state.

GARRISON: Okay.

KAUFMAN: And the NRC laws and regulations do not allow any state to write and enforce regulations that are either more stringent or less stringent than the NRC. In other words, every agreement state....

GARRISON: Has to be the same.

KAUFMAN: Has to be exactly the same, according to federal law. So, if Nevada and South Carolina do not have the same laws and regulations, then one of those two states is out of compliance with their agreement and should not be allowed to regulate.

'So, You Had a Needle on Your Dosimeter?'

KAUFMAN: Arlan, did you learn anything at the Beatty site?

DRUDIK: No, you told me I didn't know nothing.

KAUFMAN: You didn't learn anything?

DRUDIK: No.

KAUFMAN: Lee, did you learn anything at the Beatty site?

OSTDIEK: I got a...better feel for the politics involved.

KAUFMAN: What are the politics involved?

OSTDIEK: Beatty had some violations back in the '70s and caused them an awful strain on public relations. And, for this reason it became more difficult for them to store waste in Beatty, Nev., in the '80s. It was to their advantage not to have any violations.

KAUFMAN: Did they have any violations in the 1980s?

OSTDIEK: I'm sure they had some minor violations, yes...

KAUFMAN: Were there any environmental problems caused by their operation?

OSTDIEK: As I understand it, after US Ecology reported that some things had been taken off site,... the state officials came down and tracked down as much as they could find.

KAUFMAN: Let me ask the question again: Were there any environmental problems in the Beatty area when you were there at the site? As a result of the site? Are you aware of any?

OSTDIEK: I can't think of any....

KAUFMAN: Did they show you any monitoring data...to show whether it was contaminated or not?

OSTDIEK: They did mention that they had some monitoring wells.

KAUFMAN: Yes, but did they show you any data to show you whether there was contamination or not?

OSTDIEK: No, they did not.

KAUFMAN: So, you really have no basis to conclude whether there is an environmental problem there or not.

OSTDIEK: ...I said as far as I can see, there was none.

KAUFMAN: Can you see radiation? Do you have X-ray vision?

OSTDIEK: Oh, no. I had a dosimeter while I was on site.... I don't think the needle moved the whole time.

KAUFMAN: So, you had a needle on your dosimeter?... Who manufactures dosimeters with needles on them?

OSTDIEK: Oh, come off it. I don't know who manufactures them.

KAUFMAN: Let me tell you that there's no such thing as a dosimeter with a needle on it.... I haven't the foggiest idea what you were looking at. But a dosimeter is a little badge that you wear....

GARRISON: (We had a) little tube-shaped thing, exactly the same thing as we had at Barnwell....

KAUFMAN: What does it measure?

GARRISON: Radiation, I think, Mr. Kaufman.

KAUFMAN: What kind of radiation?

GARRISON: I don't know but, at any rate, there wasn't any.

KAUFMAN: But you didn't wear a badge that measured cumulative radioactivity as alpha, beta, or gamma?

GARRISON: No.

'It's a Nice Desert Out There and a Good Place to Store Radioactive Waste'

KAUFMAN: You said in the Omaha World-Herald, and I'm sure it's accurate, that the site was well run. What does that mean?

KIRCHHOFF:...We were led in and out of the place.

KAUFMAN: So you were led in and out of the place in a group in an orderly fashion?

KIRCHHOFF: Yes.

KAUFMAN: Yale, did you learn anything in Beatty?

MEYER: Yeah. It's a nice desert out there and a good place to store radioactive waste.

Panama Invasion Cue for Editorial War Whoops

by Colman McCarthy

Washington — Editorial page war-whooping, in decibels soaring beyond pseudo-patriotism's highest octave, was heard on Dec. 21, the day after the U.S. rape of Panama.

A sampling of 10 editorials — Washington Post, Wall Street Journal, Los Angeles Times, Boston Globe, Baltimore Sun, Miami Herald, Cleveland Plain Dealer, USA Today, New York Times and Washington Times — reveals that not one paper among them dissented by calling this land-sea-air invasion wrong.

One paper's eyes misted over with so much fervor that it couldn't see the facts: The Cleveland Plain Dealer stated that "even the most liberal members of Congress are standing behind President Bush." Three of the most liberal members weren't: Ronald Dellums, Don Edwards and Charles Rangel.

The Washington Times, across town from the Washington Post which said Bush "did the right thing," went apocalyptic by claiming that the invasion signaled "a new age." The Wall Street Journal hailed the military for "intelligent, efficient planning."

About the harshest any paper became was in taking to the favored dodge of editorial writers, "questions are raised." "So many questions right now," ventured the Los Angeles Times about the invasion. In what may be an AAU indoor record for head-scratching, the paper posed 11 questions in

one editorial on the wisdom of the invasion. Reaching for another record, it declined to answer one in the negative.

On the East Coast, the Boston Globe was also in a state of paralysis with "questions about the mission." The paper asked, "Were bombs and bullets the only answer to a dictator?" As if its own sniper fire might ricochet back, the Globe ducked by avoiding an answer. "Perhaps military force was necessary," it said, slinking off.

Thus rallied a docile press to American militarism. The Pentagon had Operation Just Cause, the big-city dailies had Operation Our Cause. Five days after this lock-stepping, more than 300 Panamanian and U.S. soldiers were dead and more than 400 wounded. The corpses of civilians were not yet counted, with estimates running into the hundreds. Entire neighborhoods were flattened.

In this assault on an already impoverished Panama — per-capita income is \$41 a week — the only poor person to benefit was "Poor George." Cheered the Wall Street Journal: the Panamanian intervention buries the wimp factor."

Also buried was the facts factor. In the media's justification editorials, huffing and puffing was heard about Manuel Noriega's "declaration of war against the United States." It was as if the mighty army of a previously

unknown superpower — Panama — had marched to the Rio Grande in Texas and would be capturing Harlingen and Brownsville, the way Ronald Reagan once said Nicaragua would if not stopped.

Not one newspaper mentioned the reporting by the Los Angeles Times on Nov. 16 that George Bush approved the spending of up to \$3 million to recruit Panamanians to overthrow Noriega. Whether labeled a declaration of war or a declaration of killing, what's the difference? The goal is the same: Execute an enemy. If a state of war existed between the two nations — and only in the fantasy world of the Wall Street Journal, et. al., did it — the instigator was the United States, not the militarily feeble Panama.

The United States has had an armed presence in that country since 1965. The congressionally approved rationale is that the Panama Canal is an essential lifeline for the United States. In fact, the canal is becoming functionally obsolete. The Center for Defense Information (CDI) reports, "Modern U.S. aircraft carriers are too large to fit through (the canal's) locks, as are some 1,500 of the world's merchant ships. Moreover, in 1987 U.S. military and commercial traffic accounted for less than 5 percent of transits through the canal."

Defending the canal is not the purpose of the U.S. military presence in Panama.

CDI reports that the "headquarters for the U.S. Southern Command coordinates all U.S. military activity and military aid program throughout Latin America. Training programs in Panama at the Army's Jungle Operations Training and the Inter-American Air Force Academy have no connection with defense of the canal."

None of that found its way into the post-invasion editorials. No paper came near to saying that in comparison with the decade-long and massive governmental slayings in El Salvador and Guatemala, Noriega was but a marginal devil in the hell of Central America. If he was a drug dealer, the United States was his drug buyer. Worst of all, no paper went near what is certifiably true: Violence is no solution to violence.

Plenty of hearty editorial applause has been heard this year for nonviolent solutions — in Eastern Europe, that is. But when it's our problem, skip that sentimental pap and support killing.

©1989, Washington Post Writers Group

Franklin Child Abuse

From page 3

official law enforcement agencies has been able to come anywhere near," he told Steve Brown on "Talk of the Town." The committee, according to Berry, does not plan to drop out of the picture, only to draw on resources of bodies that are better-funded and have larger staffs.

Although there is much evidence that the abuse was more than just an isolated local event, no one has yet explained a possible connection between the exploitation of the young people and the vested interests that were served by Larry King's wild lifestyle and his credit union which managed to lose \$39 million.

WASHINGTON



Mark Alan Stamaty

Peace Bonus Quiz

Question: Citizens in which state stand to lose the least if defense cuts are enacted?

Answer: Iowa. Iowa's per capita share of military procurement contracts awarded in 1988 was \$198. Virginia's was \$1,704. The national average was \$570.

As an agricultural state, Iowa also stands to gain by the likelihood that a decrease in the defense budget will eventually lower interest rates. Other industries that stand to gain from lighter borrowing include the construction industry, non-military capital equipment manufacturers, the thrift industry, and borrowers everywhere.

(From the Des Moines Register 12/29/89)

Indiana May Have Condemned Innocent Man

The following article includes material from a recent Associated Press story, as well as from an article entitled 'What If They Get The Wrong Man?' from the Messenger, November 1987.

by Frances Mendenhall

Charles Smith is, among other things, a Nebraska Observer reader. He also has been a regular correspondent with me since a year and a half ago when, during my campaign for the Nebraska Legislature, he saw my name listed in a Nebraskans Against the Death Penalty publication as an opponent to capital punishment. Charles corresponds with another Nebraskan, Effie Johnson.

He may be our only reader on death row.

Charles Smith, originally from Fort Wayne, Ind., has been in prison since his 1983 conviction for a murder that happened in Fort Wayne during a purse snatching attempt. The prison is in Michigan City, Ind., which is on Lake Michigan, a short drive south and east from Chicago. You can visit Charles, but not on the spur of the moment. It is first necessary to fill out some papers to get yourself on the approved list, and find out where your visit might fit in the prison's scheduled visiting hours.

Charles has always maintained his innocence. Others I have been in contact with

about him believe him to be a good person, not deserving of the death penalty, and many also believe him to be innocent. All agree that his trial left a lot to be desired in thoroughness and fairness.

On Dec. 13, the Indiana Supreme Court ordered a new trial for Charles, based on their judgment that help he had received from his trial attorney had been ineffective. Regarding Charles sentencing, the attorney had failed to introduce evidence of mitigating factors. Regarding the verdict itself, the attorney had failed to propose jury instructions on Charles' alibi defense, and hadn't sufficiently challenged testimony. Justice Richard M. Givan wrote for the court, "...counsel's compilation of errors in the guilt phase rendered (Smith's) defense so anemic that our confidence in the guilty verdict itself is undermined so as to require reversal of the conviction as well." In an unusual move for the conservative Indiana Supreme Court, both the conviction and sentence of a lower court were unanimously overturned.

The victim of the murder for which Charles was condemned to die was a 20-year-old woman on her way to a Christmas party. She was shot in the parking lot of an elegant restaurant and her purse was stolen. The crime was horrendous.

But the evidence connecting Charles to

the murder was nebulous. No weapon was found. The stolen purse was not recovered. Only one witness accused Charles of the crime; Phillip Lee testified that he drove the getaway car. He claimed that his brother-in-law, Briddie Johnson, accompanied him, but that Charles Smith had fired the gun. Johnson did not testify at the trial.

Lee's credibility was questionable for at least three reasons:

-He was granted immunity for his testimony, although he admitted being an accomplice to the crime.

-He didn't talk until months after the murder, when he was arrested for a petty crime.

-He sent a letter to Smith after the trial, saying, "I can't stand the guilt any longer....Sims (county prosecutor) was putting too much heat on me....I don't want them to fry you for nothing knowing I helped put you there. I was made to lie on you, man, and I'm sorry."

Although the atmosphere in the city was not conducive to a fair trial, the jury was not sequestered. The trial began the same day that the editorial page editor of the city newspaper, his wife, and their son were found murdered in their home. The sale of guns shot up, according to local merchants. The deputy prosecuting attorney seemed to play upon these fears when he said to the jury,

"Let's tell him and tell others out there we're tired of fear." The trial lasted only three days.

County prosecutor, Stephen Sims, apparently believed Charles to be a threat. When interviewed for an article in Messenger he said, "Smith is a dangerous man. He has a record of violence." Smith's record in fact did include a couple of burglaries, but no violence. Briddie Johnson, however, had a record of robbery, a violent crime.

Charles Smith is like many on death row, poor and black. Those with whom he corresponds have become familiar with the return address he always writes on his envelopes: Charles Smith, Esq., #10440 Death Row, P.O. Box 41, Michigan City, Ind., 46360. He seems to have his own ways of holding on to faith and courage, although most of us can only imagine how difficult that must be. At the top of a clipping he sent me describing the Indiana Supreme Court's Dec. 13 decision he wrote "God Always Grants the Righteous Victory." Victory, however, is not a reality until he successfully defends himself in his retrial.

If you want to find out more about how to help, contact Charles at the above address, or contact the Office of the Public Defender, Teresa Harper, 309 West Washington Street, Suite 501, Indianapolis, Ind. 46204 (317-232-2475).

Judges: Rehnquist Too Hasty to Speed Killings

by Colman McCarthy

WASHINGTON--If only Chief Justice William Rehnquist were a Chinese judge. After the Tienanmen Square massacre, dissidents were rounded up, convicted and, in a day or so, executed by a bullet through the brain. No delays. No discussions of the "alleged" crime. No clogging the courts with appeals and reappeals. Just quick killings. Justice is served.

Rehnquist, who delivers speeches bemoaning the slow pace of U.S. executions, has escalated his pet project into a minor crusade. He appointed a five-judge committee to examine the death-row waiting game. In September, the committee, led by retired Justice Lewis F. Powell Jr., agreed with Rehnquist, saying that the rights of death-row inmates to appeal their sentences should be further restricted.

Two groups have come forward to say, not so fast.

The first is a majority of 14 senior judges on the judicial Conference of the United States, the major policymaking group of the federal judiciary. By an amendment to the Anti-Drug Abuse Act of 1988, Congress is required to act on the committee's recommendations. That is likely to happen before March when the conference is scheduled to

meet and, presumably, take another look -- a judicious one -- at what Rehnquist sees as speedy trash removal.

Rehnquist's slipperiness was this: First he handpicks five judges, including Powell who had voted to uphold death decisions, to examine the issue. Then, warmed by the Powell committee's views, he bulled ahead on his own by sending those views to Congress for consideration. He ignored the judicial conference's 17-7 vote to defer action on the Powell committee's recommendations until its next scheduled meeting in March. In a letter to Rehnquist, the message from the 14 dissenting judges was clear: You aren't a law unto yourself.

In the robed and whispering world of judges, the polite and muted three-paragraph letter from the Judicial Conference is an exercise in etiquette, as if Rehnquist were golfing and teed-off out of turn. A modest "ahem" is enough to restore order. Still, and regardless how irate some of the unconsulted judges are said to be at the chief's trickiness, Rehnquist has been rebuked.

It isn't known whether or not the protesting judges are saying no to the death penalty. Lewis Powell believes that either we find a quicker way to kill prisoners or we

should abolish the death penalty. He advances the efficiency argument. Just how efficiently speedy he hasn't said. Nor has anything been heard from Powell and Rehnquist about speeding litigation in other areas of the law.

Federal courts are comfortable with marathonic antitrust cases that stretch out for years. Death-row law is as complex as any antitrust litigation. When corporate profits are involved, the courts are willing to ponder wise and long. When it's but the life of a human being, according to Rehnquist, tarry not.

Some 2,200 men and women await death in the prisons of 37 states. The number has never been higher in U.S. history. The arbitrary and discriminating way these citizens arrive in death row ought to be the concern of the judicial conference, not how fast to move them out via death chambers.

The unfairness of the death penalty, as well as a belief in the sanctity of life, is what motivates opponents of the death penalty, who are the second group working to stop Rehnquist's haste.

Incompetent or inexperienced lawyers at the arrest and trial stage are not a match for seasoned and aggressive prosecutors.

With law schools not teaching death-row law and low pay offering no incentive to go all out for the client, attorneys for accused murderers become a wide gate through which a select and unlucky few pass on the way to the death chamber.

Post-conviction lawyers, who tend to be knowledgeable about death-row law and are repulsed by the arbitrariness of capital punishment, are often haunted by complicity. In "Facing the Death Penalty," Michael Mellow writes of representing a man who was executed in May 1986. Five minutes before the switch was thrown, the Supreme Court had voted 5-4 to deny a stay: "I will never forget the waves of helpless rage that washed over me as the clerk of the Supreme Court read me the orders (of denial). It would have been easy -- too easy -- to blame the Court as an institution....Instead I found that the real target of my rage was myself: a participant in the system of legal homicide....Was I serving to legitimize the system by helping to provide sanitized executions, executions with the aura of legalism and therefore the appearance of fairness?"

This is a question for all of society to ask itself.

©1989 Washington Post Writers Group